

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 1, 2006**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of March 1, 2006, was called to order by Mayor Hitchcock at 6:35 p.m.

Present: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – Hansen*

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

*NOTE: Council Member Hansen was absent due to his attendance at the American Public Power Association conference in Washington D.C.

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual litigation: Government Code §54956.9(a); one case; *Pacific Bell Telephone Company, a California corporation doing business as AT&T California, v. City of Lodi et al.*, San Joaquin County Superior Court, Case No. CV028523

C-3 ADJOURN TO CLOSED SESSION

At 6:35 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:50 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:04 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer reported that no reportable action was taken in closed session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of March 1, 2006, was called to order by Mayor Hitchcock at 7:04 p.m.

Present: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – Hansen*

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

*NOTE: Council Member Hansen was absent due to his attendance at the American Public Power Association conference in Washington D.C.

B. INVOCATION

The invocation was given by Reverend Michael Voytek, Providence Reformed Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to George Bradley, Street Superintendent, proclaiming Saturday, April 1, 2006, as "Arbor Day" in the City of Lodi.

- D-2 (b) Mayor Hitchcock presented a proclamation to City Clerk Blackston proclaiming the week of March 12 – 18, 2006, as “Sunshine Week” recognizing the importance of preserving open government in the City of Lodi.
- D-3 (a) Wayne Kildall, representing the Lodi Area All Veterans Plaza Foundation, presented a check in the amount of \$10,000 to Mayor Hitchcock, accepting on behalf of the City, for the quarterly payment on loan from the City.
- D-3 (b) Chief Jerry Adams presented Silver Star awards to Officer Sierra Brucia and Detective Mike Kermgard who demonstrated outstanding bravery above and beyond what is expected in the normal course of duty.
- D-3 (c) City Clerk Blackston gave an update on the Centennial activities being planned for 2006. Mayor Hitchcock presented a Certificate of Recognition to David Diskin of Applied Office for donating his time and talent in designing and updating the Lodi Centennial website.
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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Mounce, Beckman second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

- E-1 Claims were approved in the amount of \$2,272,856.32.
- E-2 The minutes of January 18, 2006 (Regular Meeting), February 1, 2006 (Regular Meeting), and February 14, 2006 (Shirtsleeve Session) were approved as written.
- E-3 Approved the specifications and authorized advertisement for bids for 2006 Handicap Ramp Retrofit Project.
- E-4 Adopted Resolution No. 2006-32 accepting the improvements at the south end of Ackerman Drive at intersection of Neuharth Drive and Stockton Street.
- E-5 Adopted Resolution No. 2006-33 accepting the improvements in Lalazar Estates, Tract No. 3435.
- E-6 Adopted Resolution No. 2006-34 approving 2006 groundwater monitoring services with Treadwell & Rollo, Inc., and appropriating funds in the amount of \$140,800.
- E-7 Received background information on implementing Woodbridge Irrigation District Surface Water Program.
- E-8 Adopted Resolution No. 2006-35 rescinding Resolution No. 2005-264 regarding SBC Encroachment Condition.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Jane Lea stated that she was one of the proponents of the water rate reduction initiative and reported that the petition would be ready to circulate by next week.
- Paul Inman announced that \$6,500 was raised at the “Fat Sunday” youth jazz and blues vocal concert last week, which will be given to the Red Cross to assist in the continuing hurricane relief effort in the Gulf Coast.

- Barbara Flockhart reminded citizens that they must be registered voters of the city of Lodi to qualify to sign the water rate reduction initiative. She encouraged community members to help in circulating the petition for signatures. She mentioned that Lodi has many volunteers who contribute a great deal to the City. As a means to save money, she suggested that City employees not be allowed to take City cars home. She expressed sadness that the mature eucalyptus trees on Highway 99 between Elk Grove and Lodi were cut down.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Beckman noted that he had previously suggested a town hall meeting be held to gather ideas from the public about alternative ways to pay for the PCE/TCE groundwater cleanup. He felt that a Chamber of Commerce representative would be a good moderator for the meeting and that a Saturday afternoon at the Loel Center would be a time and location convenient for many people. He was told by members of the community that they would like their suggestions, comments, and questions listed and responded to at the meeting. He asked that the topic of eminent domain and a general plan amendment to designate a greenbelt area be scheduled and discussed at the Special March 29 City Council meeting.
- Mayor Pro Tempore Johnson commended Management Analyst Janet Hamilton for preparing the "white paper" analysis of financial challenges in providing local services (Item K-2). He suggested that it be posted on the City's website.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reported that he, along with Deputy City Manager Krueger, Electric Utility Director Morrow, Mayor Pro Tempore Johnson, and Council Member Hansen, would be making a presentation to rating agencies in New York City on March 6. In accordance with Assembly Bill 1234, a report about the trip will be made at the March 15 City Council meeting.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider and approve community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant (CDBG) and HOME Program funds and the reallocation of available funds from previous program years.

Joseph Wood, Community Improvement Manager, reported that the application period for 2006-07 CDBG funding was December 6 through January 13. Recommendations were submitted to the City Manager on February 16. Mr. Wood described the review process. The total allocation received is \$3.6 million in CDBG funding and \$1.6 million in HOME program funds. The County is the administrator of the program for Housing and Urban Development. There is an administrative cost set aside of 6% of CDBG funds and 10% of HOME program funds. The net allocation is distributed throughout the county. The grant formula allocation is based upon total population and percentage of low-income population within each jurisdiction. Lodi has an allocation of \$717,587 in CDBG funds and \$263,000 in HOME program funds. The summary of reallocated projects include: 1) Eastside Park Improvements, 2) Lodi Lake Handicapped Access, and 3) Lodi Community Center Expansion.

Mr. Wood reviewed the following requests and recommendations:

- Lodi Adult Literacy Program requested \$11,000 for a financial literacy assistance project – recommended;
- LOEL Foundation requested \$278,391 for the final installment for acquisition of property at 303 E. Oak Street – recommended with CDBG and HOME funds;
- LOEL Foundation requested \$330,000 for acquisition of duplex at 331-333 E. Oak Street – *not* recommended;

- Lodi Parks & Recreation requested \$100,000 for installation of new deck surfacing material at Enze Pool facility, \$9,500 for Hale Park Americans with Disabilities Act parking improvements; and \$5,250 for recreation annex parking accessibility improvements – all recommended with reallocated funding. Note: Parks & Recreation withdrew its request for \$170,000 to replace the restroom building at Blakely Park.
- Second Harvest Food Bank requested \$10,000 to expand food assistance programs – recommended;
- San Joaquin County Human Services Agency requested \$70,383.50 to make site improvements for Lodi Community Center – recommend \$44,000 from CDBG funds and the balance from reallocations;
- Emergency Food Bank requested \$50,000 for Phase III of an ongoing expansion project at 7 W. Scotts, Stockton – *not* recommended as the project does not meet readiness criteria;
- Emergency Food Bank requested \$7,000 for a new “Prime Foods” program – recommended through reallocations;
- Lodi Public Works requested \$250,000 for handicapped ramp retrofit project – recommended \$100,000 in CDBG funds and \$55,000 in reallocations;
- Lodi Library requested \$31,251 for renovation of entrances to the Library building to meet Americans with Disabilities Act requirements – recommended;
- Lodi Cat Connection requested \$13,000 for a spay and neuter program – recommended \$10,000 through reallocations;
- Fair Housing requested \$26,620 for services to low-income residents – recommended;
- Lodi Community Development requested \$500,000 for land acquisition for affordable housing – recommend \$330,000;
- Lodi City Manager’s Office requested \$200,000 for economic development jobs program – recommend set aside of \$150,000.

Hearing Opened to the Public

- Stephanie Allen, Library Services Coordinator, explained that the request for the Financial Literacy Assistance Project was for an expansion of the program. There will be a series of eight workshops on financial literacy topics. The funds would be used for development of training material, advertising, classroom rental fees, and \$6,700 for workshop presenters, the program assistant, and coordinator.
- Sue Pixler, representing the Cat Connection, noted that its request of \$13,000 was decreased from \$16,000 it asked for the year before. The money would be used to pay for veterinary services. This would be an expansion of services to 500 people; however, there are additional advantages because of the number of unwanted animals that would not be born due to the spay and neuter program. This program lessens the number of feral cats and aggressive dogs in Lodi that place a burden on City services. Last year money was focused on helping low-income owners of pit-bull breed dogs, due to the number of incidents and bites occurring. Cat Connection will provide \$3,000 to \$4,500 toward the program this year. In addition, \$1,000 will be contributed from People Assisting the Lodi Shelter, and \$1,500 from United Way payroll contributions. Also, in years past, Lodi Animal Services has allowed the Cat Connection to some of its spay/neuter fund monies. Ms. Pixler expected the program to grow significantly over the next five years, preventing the birth of thousands of unwanted puppies and kittens, which taxpayers currently are paying the City shelter to take in, hold, and then euthanize due to a lack of homes. National statistics shows that between \$2 and \$3 dollars are saved by communities for every \$1 invested in spay and neuter programs. The Cat Connection expects to have an ongoing spay/neuter program funded entirely by its fundraising efforts within the next two to three years. The number of impounds decreased by 100 last year; however, euthanasia increased dramatically.

- Paul Rengh, Director of the Second Harvest Food Bank, reported that there are 195 senior citizens enrolled in the senior brown bag program. There are two Food for Thought sites in Lodi, in which 65 Lodi youth participate. The Food Bank provides supplemental groceries to nine non-profit charities in Lodi. Second Harvest Food Bank delivered 567,000 pounds of food in the last 12 months at a value of \$850,000. Its budget is \$1.3 million, of which half is raised by the Food Bank and the remainder comes from grants, foundations, CDBG, and FEMA. Twelve percent of the Food Bank's services are contributed to Lodi. He anticipated a 5% increase in additional poundage of food distribution in the next year.
- Tim Vial, representing the Emergency Food Bank of Greater Stockton, stated that its client base is 100,000 annually, which are served on site and reached through 13 satellite pantries, one of which is in Lodi. The "Prime Foods for Healthy Families" is a nutrition education program, which will require \$100,000 a year to buy dairy products, meat, fish, etc. He reported that hunger in the community is increasing.

Public Portion of Hearing Closed

MOTION:

Council Member Mounce made a motion, Hitchcock second, to adopt Resolution No. 2006-36 approving the projected use of funds for the 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds, and further reallocating available funds from previous program years, as recommended.

DISCUSSION:

Council Member Beckman stated that, though all of the programs and projects which have requested funding are worthwhile, he could not support federal programs that take tax dollars only to be redistributed later, minus administrative fees.

Mayor Pro Tempore Johnson suggested that the Cat Connection funds be reduced to \$5,000 with the balance of the funds applied to the Emergency Food Bank "Prime Foods" program.

In reference to the Cat Connection request, Mayor Hitchcock expressed concern that it would fund an ongoing service, rather than expanding or providing a new service. She expressed agreement with Mr. Johnson's suggestion.

AMENDED MOTION:

Council Member Mounce stated that she did not agree with reducing the Cat Connection's funding because she felt that its services save taxpayers money; however, she agreed to amend her motion to adopt Resolution No. 2006-36 approving the projected use of funds for the 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds, and further reallocating available funds from previous program years, with the amendment of \$12,000.50 reallocated from the Emergency Food Bank's new "Prime Foods" program (versus \$7,000.50), and \$5,000 reallocated from the Lodi Cat Connection's spay and neuter programs (versus \$10,000).

VOTE:

The above amended motion carried by the following vote:

Ayes: Council Members – Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – Beckman

Absent: Council Members – Hansen

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Mounce, Johnson second, directed the City Clerk to post for the following vacancies by the vote shown below:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

Greater Lodi Area Youth Commission

Erin Brink Term to expire May 31, 2006

Brooke Goodbary Term to expire May 31, 2006

Jacqueline Hamilton Term to expire May 31, 2006

Kevin Howard Term to expire May 31, 2006

Sarah McConahey Term to expire May 31, 2006

- b) The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, made the following appointments to the League of California Cities Central Valley Division Executive Committee by the vote shown below:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

Central Valley Division Executive Committee

Representative JoAnne Mounce, Council Member

Alternate Blair King, City Manager

J-3 Miscellaneous – None

NOTE: Mayor Hitchcock announced that the city of Galt won the fundraiser challenge with Lodi to raise the most money for the Lodi Disaster Recovery Coalition to pay furniture delivery costs to Louisiana hurricane victims. Galt Mayor Darryl Clare stated that he received \$3,900 in donations.

RECESS

At 8:58 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 9:10 p.m.

K. REGULAR CALENDAR

K-1 “Approve revised 2005-06 budget document pages”

Deputy City Manager Krueger explained that in the process associated with a two-year budget process, estimates were updated in the middle of each year. Subsequent to that there was a budget process that took place in the second year, which allowed for corrections of the previous year's budget. He noted that a one-year budget does allow for this follow up opportunity. He acknowledged that there were some errors in the 2005-06 budget. The 2002-03 General Fund beginning fund balance of \$2,133,000 was based upon actual results confirmed by auditors. It showed revenues of \$34,622,979 and expenditures of \$36 million. A year-end audit adjustment for “other” relates to a difference in the way amounts are presented in the budget versus the way they end up being consolidated within the audit report. The net difference shows a *negative* \$1,201,000. The fund balance for the General Fund went from \$2.1 million down to a combined amount of reserved \$292,000 and unreserved of \$639,000. Mr. Krueger stated that the budget errors related to this calculation, i.e. the year-end audit adjustment and the difference between the revenues and

expenditures. The beginning fund balance for the fiscal year was \$1.7 million and the actual amount was \$800,000. When the 2004-05 budget was adopted, it was anticipated to have \$2.1 million as the ending balance, though the actual amount was \$1.5 million. Mr. Krueger explained that that had to do with the difference between what the estimated beginning balance was for 2004-05 and the actual ending fund balance from the previous year.

In reference to Electric Utility actual operating results, the ending fund balance was \$6.3 million and what was shown in the budget document was \$2.7 million. Mr. Krueger stated that based upon anticipated expenditures in 2005-06 and the revenues anticipated at the time the budget was prepared, this fiscal year would have ended with a deficit balance.

The 2001-02 Capital Outlay Fund ended with \$19.4 million in the fund which was carried forward and flowed through as a \$12.7 million ending balance that proceeded forward as a beginning balance in successive budget years. Mr. Krueger reported that in actuality, the beginning balance was far less than the amount that was stated in the budget document. It was thought the balance was \$10 million, but it was actually \$6.5 million.

MOTION/ VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, approved the revised 2005-06 budget document pages. The motion carried by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

K-2 “Review analysis of financial challenges in providing local services”

Janet Hamilton, Management Analyst, explained that the City’s tax base has eroded due to state actions. Public safety costs represent a greater percentage of the General Fund. Operational service levels continue only because of deferred maintenance. Ms. Hamilton stated that the public sees service levels remaining the same, but deferred maintenance, in the long run, will increase costs. In 1978, Proposition 13 cut property taxes by 50%. An unintended consequence of the proposition was that the state now has the power to allocate property taxes between the state and local government. Cities have less control over what property taxes come to the city. The city of Lodi only receives 16.5% of the property taxes collected in the City. In 1988, Proposition 98 mandated that the state maintain minimum funding for education. Lodi has lost over \$17.5 million to the state. In 2004-05, \$2.2 million was shifted from the city of Lodi to the state. Unfunded mandates by the state and federal government also burden cities, e.g. the Hayden Act extended the amount of time animal shelters must keep impounded animals; the City must meet higher standards for its wastewater and storm water discharge in addition to increasing its reporting and education efforts. In a recent survey citizens rated public safety services as a top priority. The City has addressed that by keeping staffing levels of public safety departments at a higher level than other General Fund employees. Lodi’s population has grown by 16% since 1992-93; however, the City now has fewer employees than it did a decade ago. From 1992 through 2000, the City was able to maintain 3.3 employees per capita in the General Fund and in 2005 the number dropped to 2.8. Currently, public safety costs are 127% of the amount of combined sales and property taxes. Over the past five years, sales tax growth has been 13%. General Fund expenses have increased by 27%.

Ms. Hamilton reported that two ways cities have dealt with decreased revenue is through deferred maintenance and not setting funds aside for capital replacement. The short-term savings often lead to higher costs in the long term since it shortens the use of the life of facilities and equipment. It would require an additional \$1.8 million to maintain streets at a desired level. Parks & Recreation estimates it needs an additional \$1.86 million for maintenance costs. Public Works recommends an additional \$1 million to adequately maintain buildings. A fixed asset replacement strategy would require an annual set aside

that would be available to replace capital assets at the end of its life cycle. Public Works estimates that a \$2.5 million annual set aside would be needed for such a program (excluding Hutchins Street Square or White Slough facilities) and Parks & Recreation would need a \$1.8 million set aside.

MOTION / VOTE:

There was no Council action taken on this matter.

K-3 "Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities"

Parks & Recreation Director Goehring requested removal of the All Veterans Plaza from the fee proposal and suggested that events held at that venue be limited to those which publicly honor veterans and/or military personnel and reflect the memorial and patriotic theme intended for the Plaza. He reported that on December 6, 2005, the Parks & Recreation Commission voted unanimously to remove the All Veterans Plaza from the fee proposal. Mr. Goehring noted that whole parks and soccer fields are a new addition to the Parks & Recreation Department's fee schedule. Mr. Goehring felt that the fee proposal is merely an interim solution to the long-term challenge of attempting to recover costs, especially if the ultimate goal is 100% cost recovery. Under the Department's current fee schedule, it is recovering 32.4% of costs. He reported that a Parks & Recreation Budget Review Task Force is currently being formed for the purpose of annually reviewing program costs and fees.

Mr. Goehring reported the following regarding the fee proposal:

- The average increase for picnic area rentals is 17%;
- Pool and beach rentals will increase 23%;
- Over the last ten years there has been a 12.5% increase in softball field rentals and a 9.6% increase in baseball field rentals; and
- Revenues are expected to increase \$40,000 per fiscal year.

Mayor Hitchcock expressed concern with the concept of "whole park" fees, as she felt the public has a right to access. If it is to be instituted, there should be a limit on the number of times they can be rented. She asked staff to develop guidelines related to "whole park" fees and bring it back to Council.

Susan Bjork, Management Analyst, explained that most of the "whole parks" are in basin areas. Many are used by the Parks & Recreation Department much of the year for baseball and soccer, which precludes anyone else renting it during those times. She estimated that less than ten requests to reserve whole parks are made per year.

Mayor Pro Tempore Johnson asked that Council be kept apprised about what impact the fees have on the programs and participation.

Mr. Goehring estimated that since the three-tier fee system was implemented, 700 participants were lost during the course of the year, equating to a 10% loss. In reference to Ms. Hitchcock's concern, Mr. Goehring stated that Lodi Lake is limited to six major events per year.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, adopted Resolution No. 2006-37 establishing and adjusting rental fees for Parks and Recreation facilities. The motion carried by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

K-4 "Adopt resolution establishing and adjusting rental fees for Hutchins Street Square"

Interim Community Center Director Baker stated that the proposal before Council includes offering a discount of 12% to 50% on certain facility rental fees on Sundays through Wednesday, which are traditionally slow days for Hutchins Street Square. The current fees will remain in place for the higher traffic days of Thursday through Saturday. A new fee of \$1,200 for the west park would be instituted. This rate would be decreased to \$750 Sundays through Wednesday. A new fee of \$5,500 has been established for the entire Square, with a rate of \$3,500 Sundays through Wednesdays. An additional \$1,000 would be added to rent the surrounding park area with the Square.

Discussion ensued on the usage of security guards, to which Mr. Baker explained that, with the expenses involved in the facility and possibility of damage, there should be security when staff is not present. He pointed out that security guards are less expensive than paying employees overtime.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, adopted Resolution No. 2006-38 establishing and adjusting rental fees for Hutchins Street Square. The motion carried by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

K-5 "Adopt resolution approving Policy Statement for Code Enforcement Program"

Joseph Wood, Community Improvement Manager, recalled that a presentation was given to Council at the September 13, 2005, Shirtsleeve Session regarding current and proposed code enforcement policies, procedures, and processes. The proposed policy statement clarifies the general policies and procedures for code enforcement and provides a strategic framework for implementation of the Council's goals and objectives.

Mr. Wood reviewed the following prioritization of code enforcement complaints:

1. Violations that present an imminent threat to public health and safety;
2. Violations affecting storm water discharge to rivers or streams or other irreparable environmental damage;
3. Violations related to substandard housing and dangerous building conditions;
4. Violations related to inoperable, wrecked, dismantled or abandoned vehicles;
5. Focused enforcement projects:
 - a. The abatement of nuisance and dangerous buildings;
 - b. Violations or conditions which affect either an entire neighborhood or area, or the entire City;
 - c. Address conditions noted at one property that are clearly visible at surrounding properties;
 - d. Stop Work Orders for unpermitted activities; and
 - e. Provide assistance with related code enforcement actions by other departments and agencies.
6. Any of the following types of violations that are having an adverse impact on a larger population or area:
 - a. Violations involving on-going, unpermitted construction;
 - b. Violations related to zoning or land use regulations;
 - c. Violations related to property maintenance issues; and
 - d. Violations related to noise regulations and other nuisance activities or conditions.

Mr. Wood stated that retaliatory complaints are not accepted if there is an active code enforcement case against the property. Once individuals take care of their property, staff would follow up on complaints they may have regarding other properties. Mr. Wood explained that neighborhoods are selected for focused enforcement by the Lodi Improvement Committee. Goals will be established and follow up done to determine its effectiveness. Police Partners volunteers can be utilized to support Community Improvement focused enforcement in neighborhood sweeps.

Mr. Wood reported that 309 compliance checks have been done by the Police Partners since they began assisting Code Enforcement in June 2005. This allows staff to close a case if compliance has been made and can move more quickly to the next step of enforcement if the issue has not been resolved. The Partners have distributed 72 educational brochures from June through January 2006.

In answer to questions posed by Mayor Hitchcock, Mr. Wood reported that, due to a state grant, Code Enforcement was able to purchase field computer equipment that allows staff to be more effective. In addition, administrative hearing and citation processes will further expedite work of the division and increase staff's capacity to respond to the volume of complaints. He stated that voluntary compliance averages 60% to 70%. Complaints are tracked and an aging list is established.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Johnson second, adopted Resolution No. 2006-39 approving Policy Statement for Code Enforcement Program. The motion carried by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Beckman, Mounce second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour by the vote shown below:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

L. ORDINANCES

L-1 "Ordinance No. 1770 entitled, An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by Adding Chapter 12.03, 'Sidewalks'"

Council Member Beckman suggested that, in light of previous public discourse on this subject and the fact that there is no urgency to the matter, a much more expanded effort to educate and promote the proposal should be done before it is presented for adoption.

Mayor Pro Tempore Johnson pointed out that there were presently no members of the public in the audience to address this issue and that he would support it.

Mayor Hitchcock also expressed support for the ordinance. She felt that the people who had previously been vocal on the issue had been so because they just discovered they were responsible for their sidewalks, which was the case prior to this ordinance being brought forward. The Council should protect taxpayers from those who do not maintain their sidewalks. The ordinance provides incentive for people to maintain their sidewalks to avoid a lawsuit that they will have liability for.

Council Member Mounce contended that the City is the biggest violator of sidewalks being in disrepair because of areas where City tree roots have damaged the sidewalks. She felt that the City should first repair sidewalks it is responsible for before it demands the same from private property owners.

Following reading of the title of Ordinance No. 1770 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by Adding Chapter 12.03, 'Sidewalks,'" having been introduced at a regular meeting of the Lodi City Council held February 1, 2006, Mayor Hitchcock made a motion, second by Johnson, to waive reading of the ordinance in full and adopt and order it to print. The motion **failed** by the following vote:

Ayes: Council Members – Johnson and Mayor Hitchcock

Noes: Council Members – Beckman and Mounce

Absent: Council Members – Hansen

Abstain: Council Members – None

- L-2 Following reading of the title of Ordinance No. 1771 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 349, 401, and 415 East Harney Lane (APN 062-290-38, 062-290-37, and 062-290-14) from RMD, Residential Medium Density, to PD(38), Planned Development Number 38, for the Miller Ranch Development Project, and Further Approving the Associated Development Plan," having been introduced at a regular meeting of the Lodi City Council held February 15, 2006, the City Council, on motion of Mayor Pro Tempore Johnson, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

Abstain: Council Members – None

- L-3 Following reading of the title of Ordinance No. 1773 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, 'General Regulations and Exceptions,' by Repealing and Reenacting in its Entirety Section 17.57.180, 'Refuse Container Storage and Collection Areas,'" having been introduced at a regular meeting of the Lodi City Council held February 15, 2006, the City Council, on motion of Council Member Beckman, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

Abstain: Council Members – None

- L-4 Following reading of the title of Ordinance No. 1774 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, 'Solid Waste,' by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers," having been introduced at a regular meeting of the Lodi City Council held February 15, 2006, the City Council, on motion of Council Member Beckman, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

Abstain: Council Members – None

Continued March 1, 2006

M. ADJOURNMENT

The meeting was adjourned at 11:21 p.m. in memory of Jerry Burns, President of the Boosters of Boys & Girls Sports, who passed away on February 17; and Terri Winchell, Lodi resident who was killed on January 8, 1981.

ATTEST:

Susan J. Blackston
City Clerk